

does not disclose the use of crimped thermoplastic fibers- in a percentage of from about 25 to about 99 weight percent.

The Examiner has cited the Mukaida reference as disclosing that a fibrous material can be in staple form, and that the Examiner considers such staple fibers to be in a crimped form. Applicants would again respectfully disagree that staple fibers are inherently crimped and would therefore respectfully ask the Examiner to provide evidence to such effect, or to a passage in the reference indicating that the staple fibers described is the case were crimped.

While it is true that Mukaida teaches the use of organic synthetic fibers such as bicomponent fibers in a side-by-side arrangement as well as cellulosic-type pulp fluff, it is not clear from the reference that the materials are equivalent. Rather, the Examiner has asserted that since the Mukaida reference lists a litany of possible materials for use in the Mukaida invention as the fibrous component, such interchangeable use (for Mukaida's purposes) makes the materials equivalent for the purposes of Applicants' claimed invention. The Examiner essentially implies, that since Mukaida discloses that the materials are interchangeable, one of ordinary skill in the art would know that cellulose pulp and the bi-component fibers are interchangeable for essentially all purposes, and would find it obvious to exchange one material for the other in all applications. Applicants most respectfully disagree. In a review of the Mukaida reference itself, the reference only describes generally, "examples of fibrous materials" at col. 5, lines 11-43 and goes on to list preferences among the fiber listings for the purposes of the Mukaida invention.

Applicants would also submit that it is known that certain pulps collapse when wet. The art of surge materials, for instance, includes references which state that "with conventional fluff-based absorbent structures, the cellulosic fibers when wetted can lose resiliency and therefore collapse." See for instance, US Patent No. 5,486,166 to Bishop et al. Col. 2. lines 4-6. The Mukaida reference alludes to this fact, since it specifically seeks shape retention properties after water absorption and distinguishes certain materials from others on this basis. See for instance, the section of Mukaida at Col. 5, lines 35-43.

This purpose is in sharp contrast to the objective of the current application which claims an "expandable" material. Further, as was specifically brought out in the current application, certain cellulosic pulp fluff composite had poor structural integrity and low flexibility, when compared with certain crimped composites. Additionally, crimped composites retained much greater amount of fluid (fluid retained) compared with pulp fluff composites. These varied results are based on actual testing of the types of materials which the Examiner has asserted are equivalent. See page 19 of the application in this regard.

It is therefore respectfully submitted that the Mukaida reference cannot serve as the basis for the position that pulp fibers and bicomponent fibers were art-recognized equivalents for all purposes. Furthermore, in reviewing the Mukaida reference, one of ordinary skill in the art would not have found it obvious to substitute organic bicomponent fiber for the pulp fiber, and furthermore, at the claimed percentages.

It is submitted that the combination of the Jackson and Mukaida references is inappropriate. Applicants would therefore respectfully submit that the rejection should be withdrawn.

With respect to claims 3, 7, 8, 9, 10, 12-15, 16-20, since the underlying independent claims are not obvious, Applicants would argue that the claims depending therefrom are likewise not obvious. Applicants would therefore respectfully submit that the rejection should be withdrawn.

With respect to claim 11, as has been discussed in the previous Amendment, the Jackson reference describes the superabsorbent material as swelling, as opposed to the overall material. Furthermore, as the current application makes clear, it is preferable that the overall material expand at least about 50 percent so as to increase the available void volume. Furthermore, such materials were noted to be softer and more flexible. See for instance the specification at page 18, lines 5-17. Such specific benefits are therefore outlined in the text and would not be merely an obvious matter of design choice. Applicants would therefore respectfully submit that the rejection should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, she is encouraged to call the undersigned at :(770)-587-8646.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,  
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# CERTIFICATE OF MAILING

I, Steven D. Flack, hereby certify that on February 14, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

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